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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BAYERL, RAYMOND J	

ART UNIT	PAPER NUMBER
2173	

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/997,713	FRIEDMAN ET AL.	
	Examiner	Art Unit	
	Raymond J. Bayerl	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 - 9, 12 - 18, 20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 - 9, 12 - 18, 20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *29 Nov 2001; 6 Dec 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

1. Claims 6 – 7 are objected to because of the following informalities: please note the apparent typo in the copy of claim 6 provided with the 11 January 2006 response: "remote form" should read "remote from". Appropriate correction is required.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1 – 5, 13 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta et al. ("Gupta"; US #6,546,405 B2) in view of Boreczky et al. ("Boreczky"; US #6,366,296 B1).

As per independent claim 1's "method" in which an "annotation file" is created for "a multimedia presentation", Gupta's **ANNOTATING** TEMPORALLY-DIMENSIONED **MULTIMEDIA** CONTENT is achieved when A human viewing temporally-dimensioned content will **annotate**, comment upon, and augment the **multimedia document** (Abstract). Thus, "identifying at least one desired portion" occurs (see also col 2, lines 13 – 35). The resulting **annotation entry** 300 records "at least one pointer corresponding to the at least one desired portion" (col 10, line 65 – col 11, line 35), in an **annotation collection** 420 (the claimed "annotation file"; see also figs 3, 4).

As per "using the at least one pointer for automatically presenting only the one or more portions of the multimedia presentation identified as being desired", Gupta's multimedia document player (col 2, lines 36 – 48) is one in which a user can select a temporal annotation from a list, at which point the multimedia document player **immediately proceeds** to the presentation of the multimedia document at the particular relative time (col 2, lines 48 – 64). In this immediate procession, Gupta is

"automatically" performing the function of going to the particular relative time, showing only what is annotated at that time from programming playback, and "eliminating any other portions of the multimedia presentation" than those desired.

Further in claim 1, "automatically identifying at least one desired portion of a multimedia presentation" is accomplished "by user's equipment". The Examiner will concede that Gupta's ANNOTATING is identically disclosed as requiring A human's input to determine the "desired portion", and that Gupta does not **explicitly** teach that such an action is "automatically" performed "by user's equipment".

However, it was known in the art to use automatic detection of desirable portions of a "multimedia presentation", as is seen in Boreczky's MEDIA BROWSER USING MULTIMODAL ANALYSIS. There, Features in a media file...are preferably **automatically** time-wise evaluated in the media file (Abstract). In the user computing environment Boreczky shows in fig 13, a mapping module 115 can automatically generate metadata values for all of the selectable features (col 11, lines 52 – 63), so that "automatically identifying at least one desired portion" takes place, and is accomplished "by user's equipment".

It would have been obvious to a person having ordinary skill in the art at the time of applicant's invention that the annotation collection developed by Gupta for multimedia be obtained by automatically considering the media as per Boreczky, so as to alleviate the need for Gupta's human input and make a more substantial set of Features available for user access. Motivation lies at least in Gupta, where the goal is to build as

comprehensive a set of annotations as is possible, and this would be directly facilitated with the Boreczky teachings of machine-generated metadata.

As per claim 2's "creating" and "playing the recorded program file" (see also claim 9), this is a function related to Gupta's multimedia document player. The content in Gupta must be originally created and retained in some form. Then, when the multimedia document player immediately proceeds to the presentation at the particular relative time, "only the at least one desired portion...is displayed...automatically", and not other portions that are not desired.

The application of "a predetermined set of criteria" in "identifying at least one desired portion" (claims 3, 14) reads upon Gupta's identical teaching that The user can select temporal annotations which satisfy various **criteria** for inclusion in the display of the multimedia document (col 2, lines 48 – 54), these being "based upon a preference of an individual viewer" (claims 4, 15), such as a particular date. Boreczky echoes this capability of implementing user desire, when the **user** preferably **selects** at least one feature of the media file using the media feature selection 4 (col 11, lines 34 – 51).

Claim 5's "annotation file" that "further contains: information related to the at least one desired portion" (see also claims 12, 16, 20) generally reads upon the capability of an annotation such as Gupta's to hold additional information, relative to the multimedia document, as in the inclusion of user authored content in content field 310 of a Gupta temporal annotation entry 300 (col 4, lines 52 – 63).

Independent claim 13's use of "a recorded program file" reads upon Gupta's storage of the original Multimedia document 140, which can alternatively be a motion

video or audio file (col 4, lines 28 – 51). In handling the collection 420, Gupta uses "an annotation management software" so that "a display device displays only the at least one desired portion", as noted above with respect to Gupta's multimedia document player.

Though claim 13 is such that the "annotation file" is "automatically created by said apparatus without user intervention", which is not directly taught in Gupta's human-based scheme, Boreczky provides such a teaching, when the features are determined automatically by mapping module 115.

The overall collection 420 in Gupta's annotation database will have "information related to a portion...other than the at least one desired portion" (claim 17), since annotations to portions other than those satisfying criteria are included.

4. Claims 6 – 9, 12, 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gupta in view of Kelly et al. ("Kelly"; US #5,907,322 A) and Boreczky.

As per independent claim 6's "broadcasting an event to a first location" and "simultaneously identifying at least one desired portion of the event at a location remote from said first location", Gupta does not contain **explicit** teachings of such a mode of transmission, being more concerned with what happens at the site of the multimedia document player itself. However, Kelly's TELEVISION EVENT MARKING SYSTEM allows for bookmarking viewer selected TV broadcast events (Abstract), and storing a set of event-identifier data associated with the set of selected broadcast events (see also col 1, lines 54 – 67). Kelly further teaches that an activity table of viewer selection

information is transmitted to an on-line database (col 1, lines 54 - 67), this being at a "location remote from" the viewer site.

Thus, it would also have been obvious to a person having ordinary skill in the art at the time of applicant's invention to use the "annotation file" of Gupta, but where such an annotation database is made available to a broadcast receiver as per Kelly, with a motivation being Gupta's own disclosure of A **public** temporal annotation (Gupta, col 3, lines 4 – 16). Gupta teaches that annotations from plural sources can be maintained external to the user device, something that is facilitated by Kelly's use of a head-end side database.

It would then have been further obvious to the person having ordinary skill to employ Boreczky, who permits such an "annotation file" to be "simultaneously" performed, relative to the "broadcasting": a mapping module in Boreczky can automatically generate metadata values and map the metadata values to corresponding confidence score values **"on the fly"** (col 11, lines 57 – 60), so as to have a maximum of annotation information available to the end user or viewer. There is, as has been noted above, a motivation within Gupta to maximize the number of annotations available. The overall combination using Kelly would involve "transmitting to a viewing system the annotation file as a transmission that is distinct from the broadcast of the event", and upon receipt of the annotation, a multimedia document player arrangement as per Gupta will "automatically display only desired portions of the event".

The Kelly bookmarking follows the selected broadcast event, and thus, any "annotation file" created as per Gupta and Boreczky will be "transmitted subsequent to the event" (claim 7).

Independent claim 8 is similar to claim 2 as treated above, and is suggested by Gupta, who teaches "creating an annotation file" in collection 420, and "applying the annotation file" to render "only one or more desired portions" "automatically" by the multimedia document player according to various criteria for inclusion. In combination with Kelly, this can occur at a "set-top box" location, at which mapping module functions such as Boreczky can be applied for "automatically creating an annotation file".

Independent claim 18's use of "an editor to automatically create an annotation file" reads upon the Gupta author's creation of entries in the collection 420, this invariably involving automatic processes within the annotation database system. When combined with the Boreczky mapping, such a collection will be developed "without user prompt or intervention". The use of "a first" and "second transmission medium" for the "presentation" and the "annotation file" is suggested by an extension to Kelly's broadcast environment, when receiving the additional Gupta annotations. Kelly suggests that annotating information be sourced at a separate location from "a multimedia viewing system", as in the database origination of user-specific information.

5. Applicant's arguments filed 11 January 2006 have been fully considered but they are not persuasive.

At pages 7 – 8, applicant argues that "The Office Action has not shown that Gupta uses an annotation file having pointers to desired parts of a multimedia

presentation. Rather, Gupta relates to a temporal annotation file where a user-authored content is displayed *in addition* to the multimedia presentation." However, it remains that the Gupta annotations point to portions of the media, and are used to proceed to presentation of the multimedia document such that temporally-dimensioned content is presented at the particular relative time represented by the selected temporal annotation (Abstract). This selective presentation is what is desired by the user that selects the annotation, and is shown without showing other parts of the presentation. This means that "only" that portion desired by the user is seen, when "only" is interpreted with reasonable breadth to mean "only" certain portions within the presentation and not others. While the Gupta system might additionally display the annotations, this is not the field from which the word "only" can be seen to select, and the Examiner is not permitted to "read in" to "only" what applicant seeks.

Concerning Boreczky, applicant argues at page 9 that "In Boreczky the user must see everything to make a selection and the selection is not automatic as claimed." However, Boreczky remains useful in showing that it was known in the art that media may be automatically time-wise evaluated to produce metadata, and it does not matter that the user might need to see what has been found prior to selection: in claim 1, the "automatically identifying" reads upon Boreczky's evaluation and "automatically presenting" takes place when the Gupta user makes a selection as to what is desired.

As per Kelly, applicant argues at page 10 that "the relevance of Kelly is highly diminished by requiring the viewer to make selections", and that "in Kelly the user selects an entire event for viewing". However, Kelly is indeed relevant for teaching the

sourcing of information indexing presentations from a location "remote from said first location", and it is Gupta that is relied upon to shown the access of such a presentation according to "at least one pointer corresponding to the at least one desired portion of the event". Applicant's strategy in the 11 January 2006 remarks is an impermissible one of attacking the references one at a time, rather than addressing the overall combination, except by arguing that there is no motivation for the combination in the references, which is rebutted by noting that the Gupta user has a greater number of useful annotations when applying automated indexing as per Boreczky, and Kelly increases the extent of sources that such annotations may be derived from. Each of these aspects increase the overall utility of selective media presentation, and the person having ordinary skill would readily have appreciated each in view of the others.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:30 AM to 4:30 PM ET.

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application related correspondence transmitted by FAX **must be directed** to the central FAX number (571) 273-8300.

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

RAYMOND J. BAYERL
PRIMARY EXAMINER
ART UNIT 2173
22 March 2006